

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING INSPECTION

PERMIT

Permit Number: 080815

This is to certify that CHARTER WESTGATE LLC/Langford & Low, Inc.

has permission to Mercy- Convert retail space to 11,000 sq ft Medical Office space

AT 1372 CONGRESS ST

191 B019001

provided that the person or persons performing or supervising the work accepting this permit shall comply with all of the provisions of the Statutes of the State and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

PERMIT ISSUED

AUG 4 2008

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission procured before this building or part thereof is leased or occupied. Closed-in 24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. *[Signature]* *[Signature]*

Health Dept. _____

Appeal Board _____

Other _____

Department Name

[Signature] 8/4/08
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

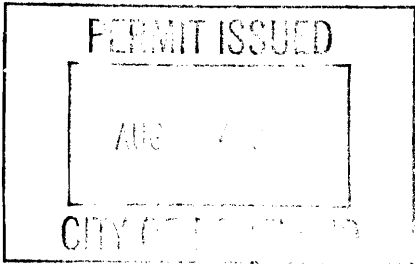
City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 08-0815	Issue Date:	CBL: 191 B019001
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Location of Construction: 1372 CONGRESS ST	Owner Name: CHARTER WESTGATE LLC	Owner Address: 800 WESTCHESTER AVE STE S-63	Phone:
Business Name:	Contractor Name: Langford & Low, Inc.	Contractor Address: PO Box 662 Portland	Phone 2077975141
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: B-2

Past Use: Retail	Proposed Use: Medical office -Mercy- Convert retail space into 11,000 sq ft Medical Office space	Permit Fee: \$8,095.00	Cost of Work: \$800,000.00	CEO District: 3
Proposed Project Description: Mercy- Convert retail space into 11,000 sq ft Medical Office space		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: B Type: 2 IBC-2003 Signature: Amb 8/4/08	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: Date:		

Permit Taken By: Idobson	Date Applied For: 07/02/2008	Zoning Approval		
<ol style="list-style-type: none">This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.Building permits do not include plumbing, septic or electrical work.Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..		Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: 7/17/08	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: 8/4/08
				

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

 X **Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling**

 X **Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.**

NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.



Signature of Applicant/Designee

Date

8/4/08

Date



Signature of Inspections Official



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>Westgate Shaws Plaza.</u>		
Total Square Footage of Proposed Structure/Area <u>10,590</u>		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# <u>191</u> Block# <u>B</u> Lot# <u>19</u>	Applicant * <u>must</u> be owner, Lessee or Buyer* Name <u>Channer Realty.</u> Address <u>800 Westchester Ave</u> City, State & Zip <u>Rye Brook, Ny 10573</u>	Telephone: <u>(914)</u> <u>701-4002</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ <u>800,000</u> C of O Fee: \$ _____ Total Fee: \$ _____
Current legal use (i.e. single family) <u>RETAIL</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>MEDICAL OFFICE SPACE.</u> Is property part of a subdivision? <u>No</u> If yes, please name _____ Project description: <u>Convert RETAIL SPACE INTO 11,000 Sq. Ft. of Medical office space.</u>		
Contractor's name: <u>LANGFORD & LOW, INC.</u> Address: <u>248 WARREN AVE.</u> City, State & Zip <u>PORTLAND, ME 04102</u> Telephone: <u>797-5141</u> Who should we contact when the permit is ready: <u>GARY DUNPHY</u> Telephone: <u>318-0546</u> Mailing address: <u>248 WARREN AVE, PORTLAND, ME.</u>		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: [Signature] Date: 7-1-08

This is not a permit; you may not commence ANY work until the permit is issued

JUL - 2 2008

Jeanie Bourke - RE: Mercy Health Center

From: "Connolly, William" <ConnollyB@mercyme.com>
To: "Daniel L. Garte" <dgarte@harriman.com>, <gdoughty@langfordandlow.com>, <karen@chartweb.com>, "Randall LaClaire" <rlaclaire@rklconsultants.com>, "Korda, Janice A" <KordaJ@mercyme.com>, "Chris Allain" <callain@langfordandlow.com>, "Patrick S Costin" <pcostin@harriman.com>
Date: 8/1/2008 3:15 PM
Subject: RE: Mercy Health Center
CC: <jmb@portlandmaine.gov>

Good solution on the lavs – thanks.

From: Daniel L. Garte [mailto:dgarte@harriman.com]
Sent: Friday, August 01, 2008 2:30 PM
To: gdoughty@langfordandlow.com; karen@chartweb.com; Randall LaClaire; Connolly, William; Korda, Janice A; Chris Allain; Patrick S Costin
Cc: jmb@portlandmaine.gov
Subject: Mercy Health Center

I have spoken with Jeanie Bork at the Portland Building Inspection office regarding some issues effecting the permitting of the project.

One issue was the required plumbing fixture count. In order to meet the fixture count required by code the men's and women's rooms off of corridor 124 must be included in the fixture count. They cannot be restricted to staff use only. I explained that these toilets are intended primarily for staff. It was agreed that if the toilet rooms have signage reading **Men's Room** and **Women's Room** and do not have "**STAFF ONLY**" signage their fixtures can be used in the fixture calculations. I will issue an ASI to this effect.

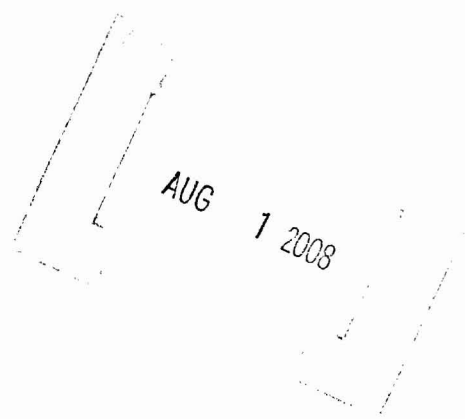
Regarding missing drawings – There was a detail reference to a sheet A20.2. The reference was incorrect. There is no sheet A20.2. The detail should have referenced A20.1. I explained this to Ms. Bork.

She told me that the only outstanding items are site related issues which she has discussed with Chris Allain.

Daniel L. Garte, AIA
Architectural Studio

HARRIMAN
Architects + Engineers
123 Middle Street
Portland, Maine 04101
207.775.0053 tel
207.775.0460 fax

Building communities since 1870
www.harriman.com



Confidentiality Notice:
This email, including any attachments is the property of Catholic Health East and is intended

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 08-0815	Date Applied For: 07/02/2008	CBL: 191 B019001
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Location of Construction: 1372 CONGRESS ST	Owner Name: CHARTER WESTGATE LLC	Owner Address: 800 WESTCHESTER AVE STE S-63	Phone:
Business Name:	Contractor Name: Langford & Low, Inc.	Contractor Address: PO Box 662 Portland	Phone (207) 797-5141
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Medical office -Mercy- Convert retail space into 11,000 sq ft Medical Office space	Proposed Project Description: Mercy- Convert retail space into 11,000 sq ft Medical Office space
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Dept: Zoning Status: Approved with Conditions Reviewer: Marge Schmuckal Approval Date: 07/17/2008
Note: Ok to Issue: ☒

- 1) Separate permits shall be required for any new signage.
- 2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building Status: Approved with Conditions Reviewer: Jeanine Bourke Approval Date: 08/04/2008
Note: Ok to Issue: ☒

- 1) All penetrations through rated assemblies must be protected by an approved firestop system installed in accordance with ASTM 814 or UL 1479, per IBC 2003 Section 712.
- 2) All bathrooms to be available for public use
- 3) Separate permits are required for any electrical, plumbing, or HVAC systems.
Separate plans may need to be submitted for approval as a part of this process.

Dept: Fire Status: Approved with Conditions Reviewer: Capt Greg Cass Approval Date: 07/30/2008
Note: Ok to Issue: ☒

- 1) Sprinkler protection shall be maintained.
Where the system is to be shut down for maintenance or repair, the system shall be checked at the end of each day to insure the system has been placed back in service.
- 2) Emergency lights are required to be tested at the electrical panel.
- 3) Walls in structure are to be labeled according to fire resistance rating.
IE; 1 hr. / 2 hr. / smokeproof.
- 4) Fire extinguishers required. Installation per NFPA 10
- 5) The Fire alarm and Sprinkler systems shall be reviewed by a licensed contractor[s] for code compliance.
Compliance letters are required.
- 6) A single source supplier should be used for all through penetrations.
- 7) Installation of a Fire Alarm system requires a Knox Box to be installed per city ordinance
- 8) Application requires State Fire Marshal approval.

Dept: Public Works Status: Pending Reviewer: Approval Date:
Note: Ok to Issue: ☐

Dept: Zoning Status: Reviewer: Marge Schmuckal Approval Date:
Note: Ok to Issue: ☐

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Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Dept: Parks **Status:** Pending **Reviewer:** **Approval Date:**
Note: **Ok to Issue:** ☐

Dept: Fire **Status:** Approved **Reviewer:** Capt Greg Cass **Approval Date:**
Note: **Ok to Issue:** ☐

Dept: DRC **Status:** Pending **Reviewer:** **Approval Date:**
Note: **Ok to Issue:** ☐

Dept: Planning **Status:** Approved with Conditions **Reviewer:** Molly Casto **Approval Date:**
Note: **Ok to Issue:** ☒

- 1) 3. ☐ The applicant shall provide a pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system be submitted for review and approval by Planning staff prior to the issuance of a building permit. After construction, post-development noise levels shall be submitted to the Planning Authority for review. If it is determined that the levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.
- 2) 2. ☐ The applicant shall address, to the satisfaction of the City Transportation Engineer, the location of crosswalks on Lot 3 as well as the any warning signage for lot 3 alerting vehicles to the presence of pedestrian crosswalks. In addition, if the tenant of the building causes "peak hour" traffic volumes to be greater than those included in the traffic analyses conducted for the project as submitted in connection with this application, a revised traffic analysis will be required for review and approval by the City Traffic Engineer (or if already before the Planning Board for site plan approval, then the Planning Board) prior to the issuance of a building permit.
- 3) 3. ☐ Once a tenant has been finalized for the proposed building on lot 3, the applicant shall submit sign details for the proposed use for review and approval by the Planning Authority prior to the issuance of a building permit.
- 4) 4. ☐ A pre-development assessment of noise levels and a prediction of decibel levels from the proposed speaker system must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit. Post-development noise levels shall also be taken and submitted quarterly for the first year of operation to the Planning Authority. If it is determined that noise levels exceed the standards of Section 14-187, the applicant shall install noise mitigation measures for the intercom system prior to the release of the performance guarantee.
- 5) 1. ☐ If the tenant of the proposed building on lot 3 changes such that "peak hour" traffic volumes are greater than that included in the traffic analyses conducted for the project a submitted as part of this application, a revised traffic analysis will be required for review and approval by the City Transportation Engineer.
- 6) 1. ☐ The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929 and to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This shall be confirmed by The Department of Public Services prior to the issuance of a building permit.
- 7) 2. ☐ The applicant shall revise the site plan so as to include a continuous travel lane from the Stevens Avenue/Congress Street entrance to the front of retail 'A' of the main shopping plaza. The applicant shall submit final site plans showing the revised travel lane for review and approval by the City Transportation Engineer prior to the issuance of a building permit. The applicant shall also widen the proposed traffic islands in front of retail 'A', the width of which shall be determined by the City Transportation Engineer. The need to include an additional traffic island or additional demarcation in this location shall be determined by the City Transportation Engineer. Nine (9) parking spaces shall be relocated to the rear of the plaza, as shown on Alternative Schematic (2), submitted to the Planning Board on June 10, 2008.

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Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

- 8) Once a tenant for the restaurant has been identified, the applicant must submit final site plans and elevation drawings for the proposed development of Lot 3 for review and approval by the Planning Board prior to the issuance of a building permit. As part of the site plan review, the applicant shall submit information relating to Section 14-183 (a) (6) of the City Code demonstrating that the proposal for Lot 3 complies with zoning requirements, as determined by the City Zoning Administrator.
- 9) 2. ☐ The applicant shall provide a license to the City of Portland to allow municipal vehicles to turn around at the end of Westland Street for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy.
- 10 4. ☐ The applicant shall provide evidence of adequate sewer capacity prior to the issuance of a building permit.
- 11 5. ☐ The applicant shall submit a photometric plan meeting the requirements of the City of Portland Technical and Design Standards, with respect to the rear of the building so as to demonstrate that no unnecessary light, as defined by City Standards, is being passed onto the abutting residential properties. This shall be reviewed and approved by the Planning Authority prior to the issuance of a building permit.
- 12 6. ☐ The applicant shall submit an updated landscaping plan for the rear portion of the property that abuts residential lots that provides continuous buffering along the property line between lot 1 and abutting residential properties for the Planning Authority's review and approval prior to the issuance of a building permit.
- 13 1. ☐ The applicant shall provide easement language for the proposed bus turnout and sidewalk based on as-built condition for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy.

Comments:

7/15/2008-mes: called gus D. At Langford & Low - I need 1) an overall site plan showing me where in the context of the shopping center, this project is going. 2) This is almost 11,000 sq feet of a change of use that requires PB approval. This entire project for other reasons has gone to the PB. I need to know whether this change of use was part of the previous PB approval. 3) I need to verify parking for this change of use - Did the traffic engineer approve the number of spaces for the medical offices? Gus will get back to me.

7/17/2008-mes: I have been dealing with Karen Johnson - Tom Errico and Barbara Barhydt are aware of our building permit - The amount of change of use is 7,223 sq ft. Parking as prescribed for zoning is being met. And the change of use for medical offices are permitted. WAIT FOR PLANNING SIGN OFF

7/31/2008-jmb: Left voicemail w/Harriman for check on the plumbing fixture count and missing sheet A20.2. Dan Gart called back and will provide plan and also the engineers calcs on the fixture count and actual occupant load projection.

8/1/2008-jmb: Spoke with Dan Gart from Harriman, there is no plan 20.2, it was an error on the sheet. He has resolved the fixture count with an agreement that there will be no bathrooms labeled for staff. These will be available to the public, as they are in a corridor for patient access.



Commercial Interior & Change of Use Permit Application Checklist

All of the following information is required and must be submitted. Checking off each item as you prepare your application package will ensure your package is complete and will help to expedite the permitting process.

One (1) complete set of construction drawings must include:

Note: Construction documents for costs in excess of \$50,000.00 must be prepared by a Design Professional and bear their seal.

- ☐ Cross sections w/framing details
- ☒ Detail of any new walls or permanent partitions
- ☒ Floor plans and elevations
- ☒ Window and door schedules
- ☒ Complete electrical and plumbing layout.
- ☒ Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment or other types of work that may require special review
- ☐ Insulation R-factors of walls, ceilings, floors & U-factors of windows as per the IECC 2003
- ☐ Proof of ownership is required if it is inconsistent with the assessors records.
- ☐ Reduced plans or electronic files in PDF format are required if originals are larger than 11" x 17".
- ☒ Per State Fire Marshall, all new bathrooms must be ADA compliant.

Separate permits are required for internal and external plumbing, HVAC & electrical installations.

For additions less than 500 sq. ft. or that does not affect parking or traffic, a site plan exemption should be filed including:

- ☐ The shape and dimension of the lot, footprint of the existing and proposed structure and the distance from the actual property lines.
- ☐ Location and dimensions of parking areas and driveways, street spaces and building frontage.
- ☐ Dimensional floor plan of existing space and dimensional floor plan of proposed space.

A Minor Site Plan Review is required for any change of use between 5,000 and 10,000 sq. ft. (cumulatively within a 3-year period)

Fire Department requirements.

The following shall be submitted on a separate sheet:

- ☒ Name, address and phone number of applicant **and** the project architect.
- ☒ Proposed use of structure (NFPA and IBC classification)
- ☒ Square footage of proposed structure (total and per story)
- ☐ Existing and proposed fire protection of structure.
- ☐ Separate plans shall be submitted for
 - a) Suppression system
 - b) Detection System (separate permit is required)
- ☐ A separate Life Safety Plan must include:
 - a) Fire resistance ratings of all means of egress
 - b) Travel distance from most remote point to exit discharge
 - c) Location of any required fire extinguishers
 - d) Location of emergency lighting
 - e) Location of exit signs
 - f) NFPA 101 code summary
- ☒ Elevators shall be sized to fit an 80" x 24" stretcher.

For questions on Fire Department requirements call the Fire Prevention Officer at (207) 874-8405.

Please submit all of the information outlined in this application checklist. If the application is incomplete, the application may be refused.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

Permit Fee: \$30.00 for the first \$1000.00 construction cost, \$10.00 per additional \$1000.00 cost

This is not a Permit; you may not commence any work until the Permit is issued.



Accessibility Building Code Certificate

Designer:

HARRIMAN

Address of Project:

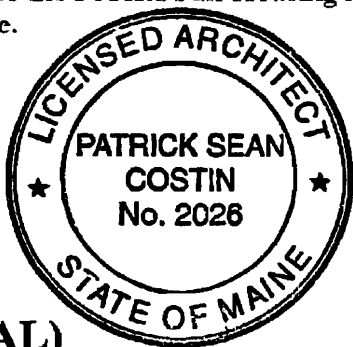
WESTGATE PLAZA, CONGRESS ST, PORTLAND, ME

Nature of Project:


BUSINESS USE - CLINIC/OUTPATIENT

MERY HEALTH CENTER - PT/OT PRACTICE

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act. Residential Buildings with 4 units or more must conform to the Federal Fair Housing Accessibility Standards. Please provide proof of compliance if applicable.



(SEAL)

Signature: 

Title:

PRINCIPAL

Firm:

HARRIMAN

Address:

123 MIDDLE ST.

PORTLAND, ME 04101

Phone:

207.775.0053

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



Certificate of Design

Date:

JULY 1, 2008

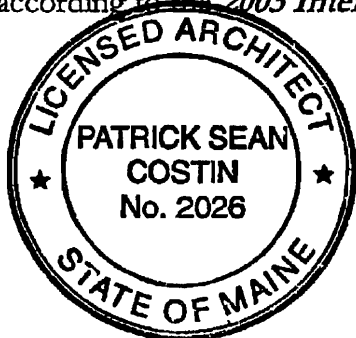
From:

HARRIMAN

These plans and / or specifications covering construction work on:

MERCY HEALTH CENTER - WESTGATE PLAZA

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the *2003 International Building Code* and local amendments.



(SEAL)

Signature:

Title:

Firm:

Address:

Phone:

PRINCIPAL

HARRIMAN

123 MIDDLE ST.

PORTLAND, ME 04101

207.775.0053

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



Certificate of Design Application

From Designer:

HARRIMAN

Date:

JULY 1, 2008

Job Name:

MERCY HEALTH CENTER - WESTGATE PLAZA

Address of Construction:

2003 International Building Code
Construction project was designed to the building code criteria listed below:

Building Code & Year IBC 2003 Use Group Classification (s) GROUP B, BUSINESS (CLINIC - OUTPATIENT)

Type of Construction _____

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC YES

Is the Structure mixed use? YES If yes, separated or non separated or non separated (section 302.3) SEPARATED

Supervisory alarm System? _____ Geotechnical/Soils report required? (See Section 1802.2) N/A

Structural Design Calculations

_____ Submitted for all structural members (106.1 - 106.11)

Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.11, 1807)

Floor Area Use	Loads Shown
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Wind loads (1603.1.4, 1609)

_____ Design option utilized (1609.1.1, 1609.6)
_____ Basic wind speed (1809.3)
_____ Building category and wind importance Factor, I_w
_____ (table 1604.5, 1609.5)
_____ Wind exposure category (1609.4)
_____ Internal pressure coefficient (ASCE 7)
_____ Component and cladding pressures (1609.1.1, 1609.6.2.2)
_____ Main force wind pressures (7603.1.1, 1609.6.2.1)

Earth design data (1603.1.5, 1614-1623)

_____ Design option utilized (1614.1)
_____ Seismic use group ("Category")
_____ Spectral response coefficients, S_D & S_1 (1615.1)
_____ Site class (1615.1.5)

_____ Live load reduction
_____ Roof live loads (1603.1.2, 1607.11)
_____ Roof snow loads (1603.7.3, 1608)
_____ Ground snow load, P_g (1608.2)
_____ If $P_g > 10$ psf, flat-roof snow load P_f
_____ If $P_g > 10$ psf, snow exposure factor, E
_____ If $P_g > 10$ psf, snow load importance factor, I_s
_____ Roof thermal factor, C_t (1608.4)
_____ Sloped roof snowload, P_s (1608.4)
_____ Seismic design category (1616.3)
_____ Basic seismic force resisting system (1617.6.2)
_____ Response modification coefficient, R , and
_____ deflection amplification factor, C_d (1617.6.2)
_____ Analysis procedure (1616.6, 1617.5)
_____ Design base shear (1617.4, 1617.5.1)

Flood loads (1803.1.6, 1612)

_____ Flood Hazard area (1612.3)
_____ Elevation of structure

Other loads

_____ Concentrated loads (1607.4)
_____ Partition loads (1607.5)
_____ Misc. loads (Table 1607.8, 1607.6.1, 1607.7,
1607.12, 1607.13, 1610, 1611, 2404)

From: "Karen Johnson" <karen@chartweb.com>
To: "Marge Schmuckal" <mes@portlandmaine.gov>
Date: 7/17/2008 12:06:58 PM
Subject: Westgate Plaza

Marge - this is all the additional information we have on the spaces, just demising walls of the individual tenant spaces. It seems to me that the consideration of the use pursuant to zoning and uses should be related to the leased premises, that is consistent with the process for calculating required parking. Please call when you have a chance to review, I am in the office today at 617 591 9995, if you do not reach me here, please also try the cell at 203 605 9175.

Thanks

Karen

Karen Johnson, AICP
Charter Realty & Development Corp.
800 Westchester Avenue, Suite S-632
Rye Brook, NY 10573
914 701-4002 Fax 914 701-4003

22 McGrath Highway, Office Suite 208
Somerville, MA 02143
617 591-9995 Fax 617 591-9966



CHARTER REALTY & DEVELOPMENT CORP.

22 McGrath Highway
Somerville, MA 02143
617-591-9995 Fax 617-591-9966
www.chartweb.com

July 15, 2008

VIA E-MAIL

Ms. Marge Schmuckal
Zoning Administrator
Planning and Development Department
City of Portland
389 Congress Street
Portland, ME 04101

Re: Westgate Plaza
1364 Congress Street
Portland, ME

Dear Ms. Schmuckal:

I understand you are reviewing the building permit application for the relocation of Mercy PT/OT ("Mercy") and questioned the need for a change of use. You and I discussed this matter a several weeks ago and at the time we reviewed the parking requirements. You also noted Section 14-522 Definitions for a "Change of use means and includes any change in use from any use listed in article III, section 14-463(e) to any other use.

Section 14-463 (e) states:

Change in the use of an existing building, whether or not alterations are involved, from any use in the following list to any of the other uses on the list:

1. Manufacturing or processing;
2. Residential;
3. Retail;
4. Storage or warehouse;
5. Transportation;
6. Other Industrial;
7. Institutional;
8. Office;
9. Other Commercial;
10. Water Dependent use;
11. Marine use.

As noted in a letter to you last January when we requested a zoning determination, we listed the following tenants for Westgate Plaza:

- Advanced Auto

- Vacant – formerly All for a Dollar
- Vacant, formerly Nutri/system weight loss center
- Westgate Hair Style Salon
- TD BankNorth
- Vacant – formerly CB Sullivan Beauty Supply
- Pratt- Abbott Laundry and Dry Cleaners
- CVS Pharmacy
- Vacant – formerly Black Bear Medical
- Shaw's Maintenance
- Shaw's Supermarket
- Bank of America
- Vacant Restaurant – formerly Friendly's

done
Also at this time, a site plan with a parking table was submitted in order to make a determination of conformance as to parking. The use categories for determining a change of use pursuant to Section 14-463 (e) are slightly different from the categories used for parking. The proposed Mercy space will occupy the space of All for a Dollar, Nutri/system, Westgate Hair Salon and Shaw's maintenance which is approximately 10,995 square feet (as shown on the attached tenant plan as B, C, D and Shaw's maintenance). Most of the uses within Westgate Plaza are retail however there are some uses that are more similar to an office use, specifically the Nutri/system and Shaw's Maintenance space. The Nutri/system space was laid out in a typical office setting with a reception area, individual offices and a conference room where weight loss counseling was provided. The Shaw's Maintenance space was also a typical office setting; the regional maintenance team for Shaw's Supermarkets has offices and a conference room as well as a reception area. The total of these spaces is approximately 6,694 square feet. The proposed Mercy space also falls under the office category. The difference for the change of use determination is approximately 4,261 square feet which is the area of the retail space formerly occupied by All for a Dollar and the Westgate Hair Salon. Therefore, we do not believe that any additional review is required pursuant to Section 14-522 of the Site Plan section. *retail* *Shaw's*

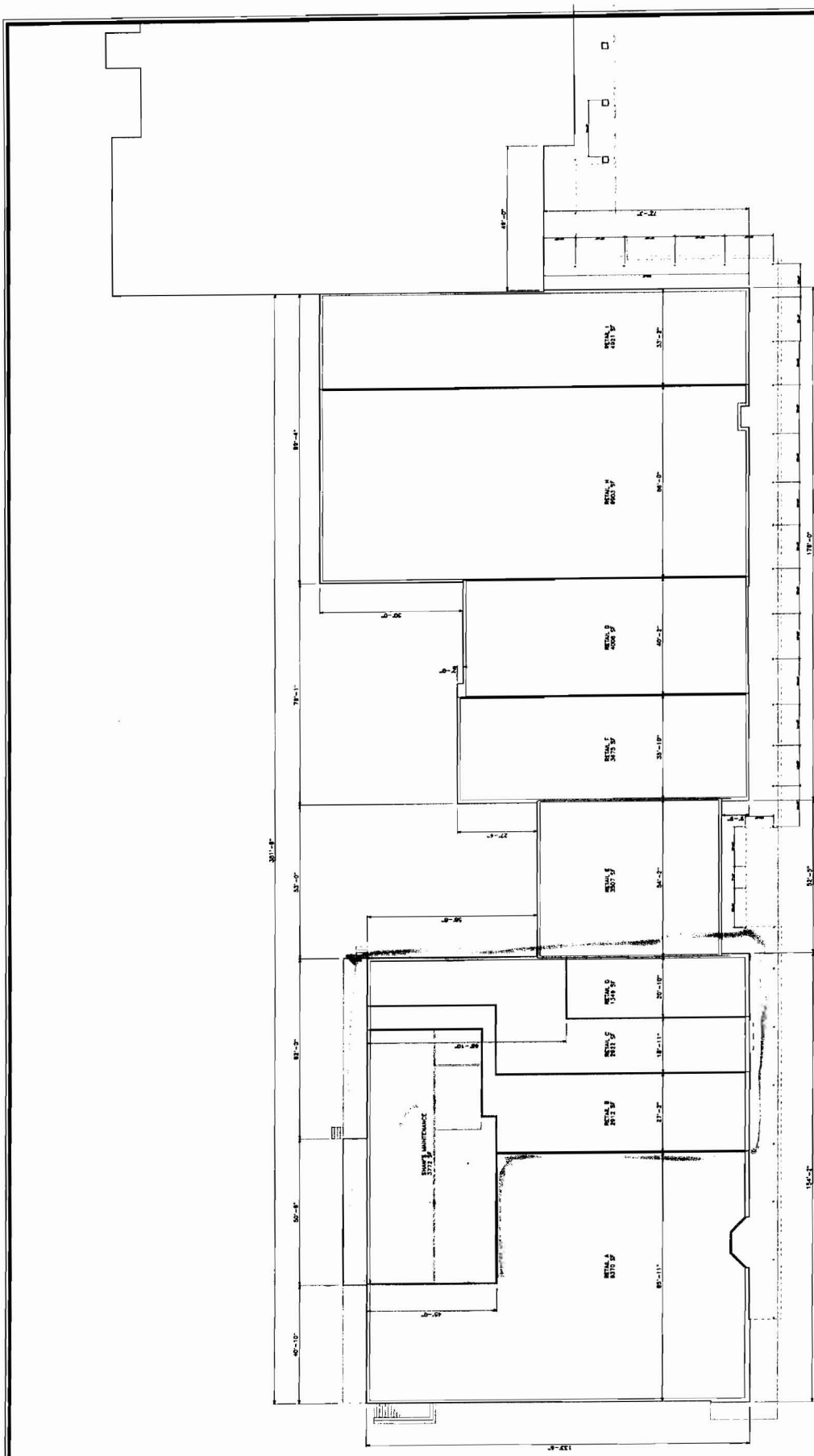
For your reference, also attached is an updated site plan showing the location of the proposed Mercy space and a revised parking table. Please contact me at your earliest convenience to discuss.

Sincerely,

CHARTER REALTY & DEVELOPMENT CORP.

Karen Johnson
Karen Johnson, AICP

Enclosure



WESTGATE SHOPPING CENTER PORTLAND, MAINE

Tenant Space Plan

HARRIMAN ASSOCIATES

9-12-07



From: Marge Schmuckal
To: Barbara Barhydt ; Molly Casto
Date: 7/15/2008 3:29:08 PM
Subject: Westgate

Molly,

I am starting to get permits for work at the Westgate site and I have questions.

1. Is the subdivision/site plan approved? I need a signed, stamped approved plan if so.
2. I have an application for the new TD Bank North. Can that permit be issued after our review and approvals?
3. I have an application for the reuse of the old Friendly's building for a Tim Hortons. Can that permit be issued after our review and approvals?
4. I have a permit for a change of use from retail to Mercy medical offices - 10,758 sq ft somewhere in the existing main portion of the building. Was the PB aware of that change of use? Was parking reviewed by the traffic engineers for that use? I don't remember that we were aware of this pending use change.

Thanks,
 Marge

CC: *new traffic engineer*
 ALEX JAEGERMAN; PENNY LITTELL

DiAnne - will talk with Tom Franco
 Previous uses in the space
 Proposed for Mercy's medical
 offices:

10,995 #	<i>given per 7/17/08 memo</i>
- 3772 #	<i>Shaw's maint. offices previously existing</i>
<hr/> 7223 #	<i>ch of use</i>

All for a Dollar - retail
 Nutri/System - personal services
 Westgate Hair Salon - Personal Services
 Shaw's Maintenance - offices

rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups--upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or sloping banks), the normal high water mark shall be estimated, from places where it can be determined by the above method.

Office complex: Separate office buildings planned, constructed or managed on an integrated coordinated basis.

On-peninsula: Includes all land located south of I-295.

Off-peninsula: Includes all land located north of I-295.

Personal service: Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland:

- (a) *Temporary:* Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- (b) *Permanent:* Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Pre-development grade. Pre-development grade is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure.

Principal building: The building occupied by the chief or principal use on the premises. When a garage is attached to the principal building in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal building.

Private club: Private club, or nonprofit social and recreational facility: A private club, or nonprofit social and recreational facility, is open exclusively to members and to their

From: Marge Schmuckal
To: Karen Johnson
Date: 7/15/2008 5:03:42 PM
Subject: Re: Westgate Plaza

Why wouldn't the space be considered offices (medical)? I would describe them as offices before calling them "Other Commercial."

Marge

>>> "Karen Johnson" <karen@chartweb.com> 7/15/2008 4:00:33 PM >>>

Hi Marge - here is a letter for your review, I am out of my office now but will print on letterhead and send out a proper copy, I wanted to get this to you as soon as possible. Also attached are a tenant site plan and parking table as referenced in the letter.

Please call to discuss at 203 605 9175, thanks.

Karen

Karen Johnson, AICP
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WESTGATE PLAZA - REDEVELOPMENT PLAN

TABLE 2

SPACE	TENANT	Area (SF)*	Bulk Storage**	Net SF	Parking	Parking Required
Shaw's ***		38,949	3,600	35,349	1/200 sf	167
Shaw's Maintenance		2,890	500	2,390	1/334 sf	7
Other Retail						
A	Retail	9,370		9,370	1/200 sf	47
B	Mercy	10,955		10,955	1/334 sf	33
C	"			0		0
D	"			0		0
E1	Proposed Retail	1,753		1,753	1/200 sf	9
E2	Proposed Retail	1,753		1,753	1/200 sf	9
F1	Proposed Retail	1,837		1,837	1/200 sf	9
F2	Proposed Retail	1,837		1,837	1/200 sf	9
G	Pratt Abbott	4,008		4,008	1/200 sf	20
H	CVS	9,903	500	9,403	1/200 sf	47
I1	Proposed Restaurant	2,031		2,031	1/150 sf	14
I2						
ATM				0		0
Pad C	Proposed Restaurant	2,474		2,474	1/150 sf	16
Pad B	TD Banknorth	3,000		3,000	1/200 sf	15
Pad A	Bank of America	1,440		1,440	1/200 sf	7
<i>Total Proposed</i>		92,200				409

* Area based on existing conditions survey prepared by Harriman Associates

** Limited information based on historical tenant plans and Harriman observations during survey

*** Shaw's calculation also includes the 2,000 square foot deduction allowed under Section 14-332(h)

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- Vacant – formerly All for a Dollar
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Also at this time, a site plan with a parking table was submitted in order to make a determination of conformance as to parking. The use categories for determining a change of use pursuant to Section 14-463 (e) are slightly different from the categories used for parking. The proposed Mercy space will occupy the space of All for a Dollar, Nutri/system, Westgate Hair Salon and Shaw's maintenance which is approximately 10,995 square feet. Most of the uses within Westgate Plaza are retail however there are some uses that are most appropriately categorized as Other Commercial, specifically the Nutri/system, Westgate Hair Salon and Shaw's Maintenance space. The total of these spaces is approximately 8,043 square feet. The proposed Mercy space also falls under the Other Commercial category. The difference for the change of use determination is approximately 2,952 square feet which is the area of the retail space formerly occupied by All for a Dollar. Therefore we do not believe that any additional review is required pursuant to Section 14-522 of the Site Plan section. For your reference, also attached is an updated site plan showing the location of the proposed Mercy space and a revised parking table.

Please contact me at your earliest convenience to discuss.

Sincerely,

CHARTER REALTY & DEVELOPMENT CORP.

Karen Johnson, AICP

Enclosure

